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FISCAL IMPACT STATEMENT

LS 6757

BILL NUMBER: SB 385

NOTE PREPARED: Jan 11, 2014

BILL AMENDED:

SUBJECT: Voter Registration; Absentee Voting.

FIRST AUTHOR: Sen. Miller Pete

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes changes to election law:

No Charge for Certain Federal Entities- The bill permits the Election Division to provide voter registration information from the statewide voter registration system (system) without charge to the clerks of the United States District Courts for the Northern and Southern Districts of Indiana.

Online Voter Registration Procedures- The bill amends online voter registration procedures.

False Statement- The bill provides that an individual knowingly making a false statement about a voter identification number on a poll list commits a Level 6 felony.

Scanned Signatures- The bill permits a county voter registration office (CVRO) to provide precinct inspectors a scanned copy of a more recent signature of a voter than the signature on the voter's original registration.

Exempts Precinct Officials- The bill exempts precinct officials and various offices and agencies taking custody of voter registration forms from "chain of custody" documentation.

Missing Information on Voter Registration Forms- The bill specifies efforts officials must make to obtain information missing on voter registration forms.

Address Confirmation Notices- The bill permits a CVRO to send an address confirmation notice to an active voter who may no longer reside at the address shown on the voter's registration record if the county sends

a similar notice to voters when a boundary or polling place is changed.

Residency Mailings Requirements- The bill sets requirements for mailings for the statewide voter registration residency confirmation outreach project.

Update via Electronic Poll Book- The bill provides a method for a voter to update information in the voter's registration record in a county using electronic poll books.

Information Update- The bill requires officials to request information from various public sources to update voter registration records.

FSSA County Offices- The bill provides that a Family and Social Services Administration Office (FSSA) providing Medicaid services has the same deadlines to transmit voter registration applications as other FSSA offices.

Assisting Absentee Voter- The bill specifies how a person having a power of attorney for a voter may assist the voter with absentee voting.

One-Side Ballot Printing- The bill permits a county election board (CEB) to adopt a resolution by the unanimous vote of the board's entire membership to print all information on one side of an optical scan ballot.

Marking Poll List Absentee- The bill specifies that the inspector (rather than two judges) marks the poll list in the presence of the poll clerks to indicate that a voter has voted by absentee ballot in a precinct.

Electronic Absentee Ballot Security- The bill requires a county to adopt procedures concerning the security of absentee ballots cast on an electronic voting system.

Vote Center Plans & Municipal Elections- The bill permits a vote center plan to provide that vote centers not be used in municipal elections in some or all small towns in a county.

Challenger Locations- The bill updates provisions concerning the location of challengers with a polling place.

Electronic Data Retention- The bill specifies the retention requirements for data on recording units used in direct record electronic (DRE) voting systems.

Provisional Voter Confidentiality- The bill specifies the procedures for protecting the confidentiality of a voter during a CEB's consideration of whether to count the voter's provisional ballot. The bill requires a CEB to enter into the system certain information regarding provisional ballots.

Coordination of Electronic Signatures and Votes Cast- The bill provides a procedure to reconcile the number of signatures on poll lists with the number of votes cast in a precinct where the majority of ballots are cast by electronic voting system.

Obsolescent Provisions, Technical Correction- The bill repeals obsolete provisions concerning voter registration forms, county National Voter Registration Act implementation plans, absentee voting in the county clerk's office, certificates of error, and hand counted paper ballots. It makes conforming amendments

and technical corrections.

Effective Date: Upon passage; July 1, 2014; January 1, 2015.

Explanation of State Expenditures: *Online Voter Registration Procedures-* This provision should have a minimal impact on state expenditures. The Online Voter Registration (OVR) website has the ability currently to display messages urging the correction of errors or omissions of information from a registrant.

False Statement- During the 2013 legislative session, legislation was adopted changing the classification system, including sentences, of felony crimes. A Class D felony was renamed a Level 6 felony. This provision of the bill would technically update this Class D felony to the Level 6 designation. However, persons convicted of this crime in future years would face a shorter maximum prison sentence. The maximum sentence for a Level 6 felony is six months shorter than the former sentence for a Class D felony.

Information Update- The bill would authorize the Election Division to coordinate the computerized list with the BMV to allow a CVRO to cancel the voter registration of a deceased voter reported as such by the BMV.

FSSA County Offices- Reducing the deadline to forward voter registration applications from ten to five days would likely have no fiscal impact on county FSSA medicaid offices. It would require the office director to send completed registrations received to the CVRO only. (Current law allows the registration to be sent to the circuit court clerk or board of registration.)

Provisional Voter Confidentiality- Additional modifications to accommodate provisional voter updates to the computerized list may require programming changes to the list. Any additional expenditures would depend on the amount of programming changes that would need to occur to comply with this provision.

Candidacy Validity- The Indiana Election Commission would have to act, by noon, 60 days prior to the date of a general or municipal general election to determine the validity of a certificate of candidacy selection for a state or certain federal office. The Election Commission may have to conduct an extra meeting or extra meetings in the two-week period prior to an election, if a certificate of candidacy is filed with the Election Division at the deadline specified by the bill (which is noon 74 days prior to the election).

Explanation of State Revenues: *No Charge for Certain Federal Entities-* This provision would likely not reduce state revenues. United States District Court clerks in Indiana have ordered restricted lists, free of charge, about every other year. The Election Division collected \$15,000 from list fee revenue during FY 2013.

False Statement- This provision will not change any revenue received from criminal fines. The maximum fine for the former Class D felony, \$10,000, is the same for a Level 6 felony.

Explanation of Local Expenditures: *Exempts Precinct Officials-* This provision may reduce the administrative demands on precinct election boards on election day to devote to other duties.

Missing Information on Voter Registration Forms- The bill adds additional options when locating a voter's residence on their application. This provision would likely aid the CVRO to locate the voter's residence and be able to forward more completed applications to the county election board.

Address Confirmation Notices- This provision would increase the criteria that a CVRO would need to

confirm before a voter could be designated as inactive.

Residency Mailings Requirements- Whether the provision could lead to additional mailings, and as a result, an increase in postage expenditures would depend on future CVRO action. The addition of postage prepaid return cards, if not already implemented, would increase local postage expenditures.

Information Update- The CVRO would be required to request, on a quarterly basis, death records from the local health department and cancel voter registrations of deceased voters. It is likely the CVRO would be able to acquire the information and make updates within existing resources. This provision may allow updates to happen more quickly than currently.

Electronic Data Retention- This provision specifies that a county clerk would be able to transfer the data contents from the recording unit of a DRE voting system to a compact disc or other recording medium, and then erase the DRE recording unit. The clerk would then be required to store the transferred data medium for 22 months. If clerks did not have a dry and secure area to store the data, it is likely the data could be stored in a sealed dry plastic bag and placed in the county safe.

One-Side Ballot Printing- This provision would allow the county election board to unanimously approve the printing of a facsimile signature and seal of the clerk on the front of an optical-scan (OS) ballot if it would reduce the cost to print the ballots. Any impact to printing costs would depend on the action taken by the county election board.

Vote Center Plans & Municipal Elections- This provision would conform vote center planning law to reflect the use of optical-scan voting systems and ‘on-demand’ ballot printers currently in use. Plans would also have to reflect that a county adopting vote center would not use vote centers during municipal elections involving small towns with populations less than 3,500 residents.

Provisional Voter Confidentiality- County election boards would have to enter into the computerized list a provisional ballot voter’s name, address, if the ballot was counted, and reason if not counted. This provision would not be required until after December 31, 2014. If the computerized list required modification to accommodate the information, additional programming costs may be necessary to update the list.

Coordination of Electronic Signatures and Votes Cast- Precinct election board inspectors would announce total votes cast in person plus absentee ballots to determine if the total number of ballots cast agrees with the number of persons that signed for an electronic ballot to vote in person or delivered an absentee ballot.

Any discrepancies would have to be reported in writing. As a result, precinct election board administrative responsibilities would increase, requiring additional time to confirm total ballots cast to total persons recorded as voting.

Candidacy Validity- County election boards would have to act by noon 60 days prior to the date of a general or municipal general election to determine the validity of a certificate of candidacy for a statewide or federal office. County election boards may have to conduct an extra meeting or extra meetings in the two-week period prior to an election, if a certificate of candidacy is filed at the deadline specified by the bill (which is noon 74 days prior to the election).

Explanation of Local Revenues:

State Agencies Affected: Indiana Election Commission, Indiana Election Division, Bureau of Motor Vehicles, Secretary of State, FSSA.

Local Agencies Affected: County voter registration office, county election board.

Information Sources: Brad King, Co-Director, Indiana Election Division.

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